

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CHRISTOPHER DARKINS §
v. § CIVIL ACTION NO. 9:12CV5
JIM SEVEY, *et al.* §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document [#21](#)) recommends that the Motion to Dismiss (document [#9](#)) filed by Charley Weaver and Dorothy Tigner-Thompson and the Motion to dismiss Under Rule 12(b)(6) and/or 12(b)(1) (document [#7](#)) filed by City of Nacogdoches Chief of Police Jim Sevey, City of Nacogdoches Assistant Chief of Police Mike Kelley, City of Nacogdoches Police Officer Stephen Godfrey, City of Nacogdoches Police Officer Finchum, City of Nacogdoches Police Officer Read, and City of Nacogdoches Mayor Roger Van Horn be granted and that Plaintiff Darkins' claims be dismissed with prejudice for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6).¹ No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

¹The claims of Plaintiff Laurel Milano were dismissed without prejudice on March 8, 2012 for failure to prosecute.

ORDERED that the Motion to Dismiss (document [#9](#)) filed by Charley Weaver and Dorothy Tigner-Thompson and the Motion to dismiss Under Rule 12(b)(6) and/or 12(b)(1) (document [#7](#)) filed by City of Nacogdoches Chief of Police Jim Sevey, City of Nacogdoches Assistant Chief of Police Mike Kelley, City of Nacogdoches Police Officer Stephen Godfrey, City of Nacogdoches Police Officer Finchum, City of Nacogdoches Police Officer Read, and City of Nacogdoches Mayor Roger Van Horn are **GRANTED** and Plaintiff Darkins' claims are **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this 6 day of **July, 2012**.



Ron Clark, United States District Judge